

REMARKS

The following remarks are responsive to the Final Office Action mailed November 4, 2009 ("Action"). Reconsideration and allowance are respectfully requested.

Claim Rejections Under 35 U.S.C. § 103

Claims 1-4 and 8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Applicants' allegedly admitted prior art (AAPA) in view of Sachs et al. (US 2006/0154603), Bhagavath et al. (US 6,163,810), and Chuah et al. (US 6,515,994).

Claims 17 and 23-25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over AAPA, Sachs, and Bhagavath.

Claim 5 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over AAPA, Sachs, Bhagavath, and Chang et al. (US 6,963,972).

Claim 6 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over AAPA, Sachs, Bhagavath, and Peterka et al. (US 2002/0174366).

Claims 9, 11, 14, and 16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Aaltonen, Chuah, and Bhagavath.

Claim 12 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over AAPA, Chuah, Bhagavath, and Chang.

Claim 13 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over AAPA, Chuah, Bhagavath, and Peterka.

Claim 19 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over AAPA, Chuah, Bhagavath, and Deng et al. (US 6,208,647).

Claim 20 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over AAPA, Sachs, Bhagavath, and Deng.

Claim 21 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over AAPA, Chuah, Bhagavath, and Virgile et al. (US 6,539,022).

Claim 22 stands rejected under 35 U.S.C. § 103Z(a) as being unpatentable over AAPA, Sachs, Bhagavath, and Virgile.

Applicants respectfully traverse for at least the following reasons.

Claims 1 and 9 have been amended to include the features previously recited in claims 21 and 22, that is, the allocation of bandwidth to the receiver hosts and the sharing of the allocated

bandwidth between hosts/apparatuses in the group. Corresponding amendments have been made to claims 17 and 23.

The Action rejected previous claims 21 and 22 based on the combination of AAPA, Chuah, Bhagavath and Virgile. In particular, the Action alleges that Virgile discloses the features wherein “each host in the group is allocated an amount of bandwidth on a network on which the file delivery transmission occurs” and sharing “allocated bandwidth of multiple hosts in the group to increase a data transfer rate experienced by the hosts in the group.” *See* Action, p. 19-20. The Action alleges that Virgile discloses a multicast system in which the transmission of unnecessary messages is reduced to conserve bandwidth. *Id.* at p. 19. The abstract of Virgile, cited by the Action, states that the reduction is achieved through the routing of the packets, so that “multicast packets are only retransmitted in the network segments that are on a path to a host that is a member of the multicast group.” The Action also cites column 6, lines 1 to 14, which disclose an embodiment that achieves this aim. *See* Action at p. 19.

The present claims, however, specify that each host/apparatus in the group is allocated bandwidth on a network on which a first file delivery transmission occurs and that bandwidth is shared between the hosts/apparatuses to increase a data rate experienced by them. This is not equivalent to the reduction of unnecessary transmitted messages and the conservation of bandwidth disclosed by Virgile. Moreover, Virgile does not suggest the sharing of bandwidth or the dependence of data transfer rate on group membership specified in the present claims. The Action does not assert that Aaltonen, Chuah, and/or Bhagavath remedy this deficiency, and hence has conceded that they do not. The methods and apparatuses of claims 1, 9, 17 and 23 therefore define over the combination of Aaltonen, Chuah, Bhagavath and Virgile. Accordingly, Applicants respectfully submit that claims 1, 9, 17 and 23 are in condition for allowance and request withdrawal of the rejections under 35 U.S.C. § 103.

The remaining claims are allowable at least by way of dependency on claim 1, 9, 17 or 23.

CONCLUSION

Applicants respectfully submit that the pending claims are in condition for allowance. Favorable reconsideration of this application is respectfully requested. The Examiner is invited to contact the undersigned should it be deemed necessary to facilitate prosecution of the application.

Respectfully submitted,
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